

United States District Court  
Southern District of Texas  
Corpus Christi Division

United States Courts  
Southern District of Texas  
FILED

JUL 10 2020

David J. Bradley, Clerk of Court

David Allan Haverkamp  
AKA Bobbie Lee Haverkamp  
Plaintiff

- vs -

Civil action

2:17-cv-18

United States Courts  
Southern District of Texas  
FILED

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Rehney Barrow, Preston Johnson Jr.  
John Burros, Erwin Wyrick  
Jeffery Beeson, Dec Budgewater  
acting for the University directors  
of mental health Services and  
Univessal regional or Senior Medical  
authorites for treatment plans  
and hormone therapy related to  
G.I.D. Defendants

Summery of  
July 2, 2020 Tele-conference

To the Honorable Judge of said Court,

Now Comes, ms. Bobbie  
AKA the Plaintiff and presents the Plaintiff's Summery of the  
Tel-conference and points that the Defendants Attorney left  
out of the Court proceedings

The Plaintiff will take this by the numbers so nothing is left out.

1) It is true the PLRA is a procedure that is narrowly drawn for injunction relief. This came about due the Ruiz Settlement and court ruling of Justice William Wayne Justice.

The Ruiz Settlement forced Texas to overhaul the prison system to make-up the defects of prisoner's conditions.

In the present Civil action the Defendants attorneys tried to make advancements of this cause by pointing out the PLRA could not provide relief due to no-one in prison has ever had sex-reassignment surgery.

Your Honor the counter-point is when a civil action relief narrows a court ruling the PLRA can finish relief.

What interesting to note is civil action 2:17-cv-18 was filed months before any ruling from Gibson/Collins, supra, yet the present Civil action mirrors the 5<sup>th</sup> circuit ruling that non-invasive treatments and SRS was good acceptable treatment for transgenders.

When the Defendants Attorneys make the point no one in Texas Prisons has ever had SRS, their argument becase moot when the 5<sup>th</sup> circuit ruled non-invasive treatments and SRS were acceptable treatments for a Transgender.

2) The Defendants tried to advance that the Plaintiff's Equal Protection claim was invalid when no one has had SRS either heterosexual males or Cisgender females.

When the Court recognized that the Plaintiff was similarly situated to cis-gender females then the Plaintiff is moved to the group of inmates that UTM physicians recognizes where she belongs as female.

The 5<sup>th</sup> circuit ruling that non-invasive treatments and SRS were for a class of inmates that exhibited female characteristics and were diagnosed with Gender Dysphoria.

Equal Protection comes into play when two groups of inmates that exhibited the same characteristics are treated differently.

SRS is not the issue, the true issue is a cis-gender can have surgery to correct health problems, yet when a transgender can not have surgery to correct her health problems then a violation of Equal Protection occurs.

Using *Lindqvist v. City of Pasadena, Texas*<sup>①</sup> in a similar situated situation the Court ruled is not a requirement susceptible to rigid, mechanical application - there is no precise formula to determine whether an individual is similarly situated to comparators. It's really an inquiry in case specific and requires the Court to consider 'the full variety of factors that

① 669 F.3d 225, 233 (5<sup>th</sup> Cir 2013)

an objectively reasonable decision maker would have found relevant in making the challenged decision.

As far as using a FRCP 12 motion to dismiss the Complaint, The more correct procedure will be to dismiss the Complaint in Summary Judgment as a matter of law, the FRCP motion cannot be used, also the Defendants own attorneys said their Defendants could not provide relief and told the Court plainly they didn't know who could.

### Certification of Service

The Plaintiff swears on penalty of perjury that she drop this in the prison mail box on July 8, 2020 to be delivered to the Clerk of the Courts to file and mail the following attorneys

1) Texas Attorney General - Corbello

P.O. 62548

Austin, Texas 78744-2548

and

2) Right Behind Bars

Samuel Weiss Attorney at law

466 Florida Ave. NW 26152

Washington, DC 20001

So swears the Plaintiff

Ms. Bobbie

Stiles Unit.

July 8, 2020